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| APPLICATION NO.   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.          | CONFIRMATION NO.       |
|---|-------------|----------------------|------------------------------|------------------------|
| 10/799,308  | 03/13/2004  | Daniel E. Cooney     | 11960                        | 7830                   |
| 26587 7590 12/27/2007<br>MCNEES WALLACE & NURICK LLC<br>100 PINE STREET<br>P.O. BOX 1166<br>HARRISBURG, PA 17108-1166 |             |                      | EXAMINER<br>DAVIS, OCTAVIA L |                        |
|   |             |                      | ART UNIT<br>2855             | PAPER NUMBER           |
|   |             |                      | MAIL DATE<br>12/27/2007      | DELIVERY MODE<br>PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

|                              |                 |  |  |
|------------------------------|-----------------|--|--|
| <b>Office Action Summary</b> | Application No. | Applicant(s) <span style="float: right;">TH</span> |  |
|                              | 10/799,308      | COONEY, DANIEL E.                                  |  |
|                              | Examiner        | Art Unit   |  |
|                              | Octavia Davis   | 2855   |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-25 is/are pending in the application.
- 4a) Of the above claim(s) 20-23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-19,24 and 25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/13/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 6 and 8 – 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Chang (5,605,873).

Regarding claims 1, 6 and 8, Chang discloses a pressure sensitive verification system and use thereof comprising a material 14 having a surface, an indicator coating having an impact-sensitive component that produces a visible change when subjected to a mechanical impact, the indicator coating comprising a mixture of a first reactant and a second reactant separated by a barrier that is rupturable so that the reactants mix and produce the visible change upon the impact and inspecting the material for the presence of the visible change (See Col. 5, lines 35 – 44 and Col. 7, lines 12 – 21).

Regarding claims 9 and 10, a light absorbing compound is incorporated into the rupturable barrier and a chromogenic compound enabling the chromogenic compound to react with the color developer (See Col. 7, lines 22 – 26 and 40 – 46).

Regarding claim 11, in Chang, the material is accurately monitored during a series of tests (See Col. 10, lines 22 - 37).

Regarding claims 12, 13, 18 and 19, a design criteria is established for the material for various configurations (Col. 10, lines 22 – 37).

*Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2 – 5, 14 – 19, 24 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chang (873') in view of Szweda et al (5,488,017).

Regarding claims 2 – 5, 14, 24 and 25, Chang discloses all of the limitations of these claims except for a teaching that the material has a tensile elongation to failure of less than about 2 percent. However, Szweda et al disclose a fiber reinforced ceramic matrix composite member comprising a reinforced ceramic matrix composite member represented by curve 2 having a percent elongation of failure in excess of about 0.4% (See Col. 8, lines 21 – 23).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Chang according to the teachings of Szweda et al for the purpose of, producing ceramic composite articles including a method of controlling the porosity in the matrix of a ceramic matrix composite material to curb undesirable porosity (See Szweda et al, Col. 3, lines 24 – 28).

Regarding claims 15 and 16, in Chang, a light absorbing compound is incorporated into the rupturable barrier and a chromogenic compound enabling the chromogenic compound to react with the color developer (See Col. 7, lines 22 – 26 and 40 – 46).

Regarding claim 17, in Chang, the material is accurately monitored during a series of tests (See Col. 10, lines 22 - 37).

Regarding claims 18 and 19, in Chang, a design criteria is established for the material for various configurations (Col. 10, lines 22 – 37).

### *Response to Arguments*

6. Applicant's arguments with respect to claims have been considered but are moot in view of the new grounds of rejection.

### *Conclusion*

7. Holt et al (6,452,873) disclose a visually changing paper time indicator employing a controllable barrier.

Dotson et al (5,250,492) disclose coatings for use with business forms, security documents or safety paper.

Stevens (4,197,346) discloses a self-contained pressure-sensitive record material and process of preparation.

Sweeney et al (3,020,178) discloses paper impregnating compositions, impregnated papers and the process of impregnating paper.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Octavia Davis whose telephone number is 571-272-2176. The examiner can

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normally be reached on Mon through Thurs from 9 to 5. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz, can be reached on 571-272-2180. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

OD/2855

12/19/07



MICHAEL CYGAN, PH.D.  
PRIMARY EXAMINER